

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
CIVIL DIVISION**

COVER SHEET

Plaintiff(s)

James D. Brady
2087 Windsor Road
Unit B
Mansfield, OH 44905

FILED
2022 APR 21 PM 3:25

DEPT. OF COURT RECORDS
CIVIL/FAMILY DIVISION
ALLEGHENY COUNTY PA

Vs

Defendant(s)

Walmart, Inc.
702 S.W. 8th Street
Bentonville, AR 72716

and

Walmart Supercenter #2588
100 Walmart Drive
North Versailles, PA 15137

and

Jane Doe c/o
100 Walmart Drive
North Versailles, PA 15137

Case Number :

GD - 22 - 4587

Type of pleading :

Complaint

Code and Classification :

Filed on behalf of

Plaintiff
James D. Brady

(Name of the filing party)



Counsel of Record



Individual, If Pro Se

Required Information:

Name: Russell Gerney

Address: 124 Paxton Avenue

Wheeling, WV 26003

Phone Number: (304) 905-1512

Email Address: rwg@gerneylaw.com

Attorney's State ID : 90955

Attorney's Firm ID :

T112628

21 April 2022

15:28:0

GD-22-004587

IN THE COURT OF COMMON PLEAS
ALLEGHENY COUNTY
COMMONWEALTH OF PENNSYLVANIA
CIVIL DIVISION

James D. Brady
2087 Windsor Road, Unit B
Mansfield, OH 44905
Plaintiff,

v.

Walmart, Inc.
702 S.W. 8th Street
Bentonville, AR 72716

Defendant
and

Walmart Supercenter #2588
100 Walmart Drive
North Versailles, PA 15137

and
Jane Doe %
Walmart Supercenter #2588
100 Walmart Drive
North Versailles, PA 15137

*

CASE NO.

*

*

**COMPLAINT WITH JURY TRIAL
DEMAND ENDORSED HEREON**

*

*

Russell Gerney (90955)
LAW OFFICES OF RUSSELL GERNEY
124 Paxton Avenue
Wheeling WV 26003
(304) 905-1512
(304) 905-1513 - Fax
rwg@gerneylaw.com

*

*

*

*

JURY TRIAL DEMANDED

*

*

*

**IN THE COURT OF COMMON PLEAS
ALLEGHENY COUNTY, PENNSYLVANIA
CIVIL DIVISION**

James D. Brady
Plaintiff,

V.

Walmart, Inc.
702 S.W. 8th Street
Bentonville, AR 72716

Defendant

and

Walmart Supercenter #2588
100 Walmart Drive
North Versailles, PA 15137

and

Jane Doe %

Walmart Supercenter #2588
100 Walmart Drive
North Versailles, PA 15137

[illegible]

CASE NO.

**COMPLAINT WITH JURY TRIAL
DEMAND ENDORSED HEREON**

Russell Gerney (90955)

LAW OFFICES OF RUSSELL GERNEY

124 Paxton Avenue

Wheeling WV 26003

(304) 905-1512

(304) 905-1513 - Fax

rwg@gerneylaw.com

NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the Complaint or for any claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THESE OFFICES MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Lawyer Referral Service
Allegheny County Bar Association
11th Floor Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 261-5555

**IN THE COURT OF COMMON PLEAS
ALLEGHENY COUNTY
COMMONWEALTH OF PENNSYLVANIA
CIVIL DIVISION**

James D. Brady
2087 Windsor Road, Unit B
Mansfield, OH 44905
Plaintiff,

v.

Walmart, Inc.
702 S.W. 8th Street
Bentonville, AR 72716

Defendant
and

Walmart Supercenter #2588
100 Walmart Drive
North Versailles, PA 15137

and
Jane Doe %
Walmart Supercenter #2588
100 Walmart Drive
North Versailles, PA 15137

*

CASE NO.

*

*

COMPLAINT with JURY DEMAND

*

*

*

*

*

*

*

*

*

Facts and Jurisdiction

1. Plaintiff, James D. Brady, is a natural person currently residing at 2087 Windsor Road, Unit B, Mansfield, OH 44905
2. Defendant Walmart, Inc. is a business entity with its corporate headquarters located at 702 S.W. 8th Street, Bentonville, AR 72716.
3. Defendant Walmart Supercenter #2588 is a business located at 100 Walmart Drive, North Versailles, Allegheny County, PA 15137
4. Defendant Jane Doe is an employee of Walmart Supercenter #2588 whose name and address are currently unknown.
5. On April 26, 2020, Plaintiff was working as a truck driver for Marten Transport, Ltd.

6. Pursuant to his occupation, he had travelled to Defendant Walmart #2588 to make a delivery.
7. Plaintiff had backed his truck to the bay so that it could be unloaded.
8. Plaintiff's truck was being unloaded by Jane Doe, an employee of Walmart # 2588.
9. Jane Doe was operating a pallet jack.
10. At approximately 11:15 pm on 04/26/2020 Jane Doe struck Plaintiff with a full pallet being carried by the pallet jack she was operating causing him to be pinned between that pallet and stack of empty pallets which were in the unloading area.

Count I
Negligence—Jane Doe

11. Plaintiff incorporates the averments and allegations of paragraphs 1 through 10 as though set forth in full.
12. Defendant Jane Doe had a duty to operate the pallet jack in a reasonably prudent manner.
13. Defendant breached this duty by running into the Plaintiff and pinning him against a stack of empty pallets.
14. Plaintiff has suffered damages
 - a. Loss of wages
 - b. Medical bills
 - c. Past pain and suffering
 - d. Future pain and suffering.

Count II
Respondeat Superior—Walmart Supercenter #2588


15. Plaintiff incorporates the averments and allegations of paragraphs 1 through 14 as though set forth in full.
16. On April 26, 2020 Defendant Jane Doe was an employee of Walmart Supercenter #2588.
17. On that date at approximately 11:15 pm she was acting within the scope of her employment.
18. An employer is liable for the negligence of its employees who are acting within the scope of their employment at the time the negligence occurs.
19. As such, Walmart Supercenter #2588 is liable for the negligence of its employee, Jane Doe, and all damages she caused to Plaintiff.

Count III
Respondeat Superior—Walmart Inc.

20. Plaintiff incorporates the averments and allegations of paragraphs 1 through 19 as though set forth in full.
21. On April 26, 2020 Defendant Jane Doe was an employee of Walmart, Inc.
17. On that date at approximately 11:15 pm she was acting within the scope of her employment.
18. An employer is liable for the negligence of its employees who are acting within the scope of their employment at the time the negligence occurs.
19. As such, Walmart, Inc. is liable for the negligence of its employee, Jane Doe, and all damages she caused to Plaintiff.

WHEREFORE, Plaintiff respectfully prays for damages in excess of \$35,000.00


Respectfully submitted,
LAW OFFICES OF RUSSELL GERNEY



Russell Gerney

JURY TRIAL DEMANDED

Respectfully submitted,
LAW OFFICES OF RUSSELL GERNEY



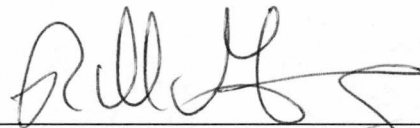
Russell Gerney

/

CERTIFICATE OF COMPLIANCE

I hereby certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

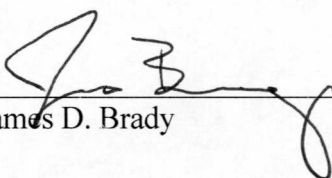
Respectfully submitted,
LAW OFFICES OF RUSSELL GERNEY

A handwritten signature in black ink, appearing to read "Russell Gerney", is written over a horizontal line.

Russell Gerney (90955) *counsel for Plaintiff*

VERIFICATION

I verify that the facts set forth in this document are correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.



James D. Brady

Supreme Court of Pennsylvania

Court of Common Pleas
Civil Cover SheetAllegheny County

For Prothonotary Use Only:

Docket No:

PAID STAMP

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

Commencement of Action:

- ☒ Complaint ☐ Writ of Summons ☐ Petition
☐ Transfer from Another Jurisdiction ☐ Declaration of Taking

Lead Plaintiff's Name:

James D Brady

Lead Defendant's Name:

Walmart SupercenterAre money damages requested? ☒ Yes ☐ NoDollar Amount Requested: ☐ within arbitration limits
(check one) ☒ outside arbitration limitsIs this a Class Action Suit? ☐ Yes ☒ NoIs this an MDJ Appeal? ☐ Yes ☒ NoName of Plaintiff/Appellant's Attorney: Russell Gerney☐ Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)

Nature of the Case: Place an "X" to the left of the ONE case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

TORT (do not include Mass Tort)

- ☐ Intentional
☐ Malicious Prosecution
☐ Motor Vehicle
☐ Nuisance
☐ Premises Liability
☐ Product Liability (does not include mass tort)
☐ Slander/Libel/ Defamation
☒ Other: _____

MASS TORT

- ☐ Asbestos
☐ Tobacco
☐ Toxic Tort - DES
☐ Toxic Tort - Implant
☐ Toxic Waste
☐ Other: _____

PROFESSIONAL LIABILITY

- ☐ Dental
☐ Legal
☐ Medical
☐ Other Professional: _____

CONTRACT (do not include Judgments)

- ☐ Buyer Plaintiff
☐ Debt Collection: Credit Card
☐ Debt Collection: Other _____
☐ Employment Dispute: Discrimination
☐ Employment Dispute: Other _____
☐ Other: _____

REAL PROPERTY

- ☐ Ejectment
☐ Eminent Domain/Condemnation
☐ Ground Rent
☐ Landlord/Tenant Dispute
☐ Mortgage Foreclosure: Residential
☐ Mortgage Foreclosure: Commercial
☐ Partition
☐ Quiet Title
☐ Other: _____

CIVIL APPEALS

- Administrative Agencies
☐ Board of Assessment
☐ Board of Elections
☐ Dept. of Transportation
☐ Statutory Appeal: Other _____

- ☐ Zoning Board
☐ Other: _____

MISCELLANEOUS

- ☐ Common Law/Statutory Arbitration
☐ Declaratory Judgment
☐ Mandamus
☐ Non-Domestic Relations
☐ Restraining Order
☐ Quo Warranto
☐ Replevin
☐ Other: _____